

## EXHIBIT "R"

☒ PLAINTIFF(S)' ☐ DEFENDANT(S)'MOTION ☒ TO ☐ FOR EXTEND ORDER GRANTING PETITION FOR INJUNCTION AGAINST HARASSMENT

TWO-SIDED FORM

Form #1DC31

DECLARATION; NOTICE OF MOTION; CERTIFICATE OF SERVICE

IN THE DISTRICT COURT OF THE FIRST CIRCUIT  
HONOLULU DIVISION  
STATE OF HAWAII

Plaintiff(s)

MILTON K. KAOPUA

Defendant(s)

ROBERT F. ABAD

Reserved for Court Use

Civil No. 1SS01-1394

Filing Party(ies)/Filing Party(ies)' Attorney (Name, Attorney Number, Firm Name (if applicable), Address, Telephone and Facsimile Numbers)

ELBRIDGE W. SMITH (2079)  
SMITH HIMMELMANN, AAL, ALC  
841 Bishop Street, Suite 909  
Honolulu, Hawaii 96813  
Ph: 808-523-5050  
Fax: 808-538-1382

☒ PLAINTIFF(S)' ☐ DEFENDANT(S)' MOTION

Harassment

☒ TO ☐ FOR Extend Order Granting Petition for Injunction Against /

Party(ies) requests that this Motion be set for hearing on a date and time certain. This Motion is based on the Declaration below and is pursuant to:

- ☐ Rules of the District Courts of the State of Hawai'i, Rule \_\_\_\_\_;
- ☐ District Court Rules of Civil Procedure, Rule \_\_\_\_\_;
- ☐ Rules of the Small Claims Division of the District Courts, Rule \_\_\_\_\_; or
- ☐ Hawai'i Revised Statutes § \_\_\_\_\_.

## DECLARATION

I have read this Motion, know the contents and verify that the statements are true to my personal knowledge and belief. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF HAWAII THAT THE FOLLOWING IS TRUE AND CORRECT:

- I am the ☒ Movant or ☐ associated with Movant as \_\_\_\_\_;
- The following are facts why Motion should be granted (attach continuation sheet, if necessary):

SEE ATTACHED SHEETS.

11-21-03

Date:

Signature of Declarant:

Print/Type Name: Milton K. Kaopua

## NOTICE OF HEARING

TO: ROBERT F. ABAD

Please take notice that this Motion will be heard before the Presiding Judge of this Court in his/her Courtroom, at the address checked on reverse side on 11-21-03, at 5:20 a.m. or as soon thereafter as parties may be heard.

SEE AND USE REVERSE SIDE TO RESPOND TO MOTION

EXHIBIT R

## COURT ADDRESSES

- ☒ Honolulu Division  
☐ 'Ewa Division  
☐ Ko'olaupoko OR Ko'olaupoko Division  
☐ Wahiawā OR Waialua Division  
☐ Wai'anae Division

1111 Alakea Street, 10th Floor, Honolulu, Hawai'i 96813  
 870 Fourth Street, Pearl City, Hawai'i  
~~46-201 Kāhūhū Street, Kāhūhū, Hawai'i~~  
 1034 Kilani Avenue, Wahiawā, Hawai'i  
 87-1784 Farrington Highway, Nānākuli, Hawai'i

Mailing address for the above Courts: **1111 Alakea Street, Civil Division, Third Floor, Honolulu, Hawai'i 96813**

## CERTIFICATE OF SERVICE

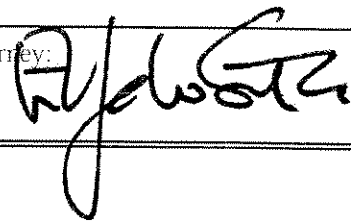
I certify that a copy of this Motion was served at the last known address(es) of the Opposing Party(ies) or Opposing Party(ies)' attorney on 11-21-03 by ☐ Hand-delivery or ☒ Mail, Postage Prepaid, at the following address(es):

Birney B. Bervar  
 1400 Pauahi Tower  
 1001 Bishop Street  
 Honolulu, Hawaii 96813

Date: 11-21-03

Signature of Filing Party(ies)/Filing Party(ies)' Attorney:

Print/Type Name: Elbridge W. Smith



## RESPONSE TO MOTION/CERTIFICATE OF SERVICE

- ☐ I DO NOT OBJECT to this Motion.  
☐ I DISAGREE with this Motion for the following reasons:  
 (Attach continuation page, if necessary).

Reserved for Court Use

I have read this Response, know the contents and verify that the statements are true to my personal knowledge and belief. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF HAWAII THAT THE ABOVE IS TRUE AND CORRECT.**

## CERTIFICATE OF SERVICE

I certify that a copy of this Response was served at the last known address(es) of the Opposing Party(ies) or Opposing Party(ies)' attorney on \_\_\_\_\_ by ☐ Hand-delivery or ☐ Mail, Postage Prepaid, at the following address(es):

Signature of Responding Party(ies)/Responding Party(ies)' Attorney:

Date:

Print/Type Name:

In accordance with the **Americans with Disabilities Act** if you require an accommodation for your disability, please contact the District Court Administration Office at PHONE NO. 538-5121, FAX 538-5233, or TTY 539-4853 at least ten (10) working days in advance of your hearing or appointment date. For Civil related matters, please call 538-5151.

**SMITH HIMMELMANN**

Attorneys at Law, A Law Corp.  
ELBRIDGE W. SMITH (2079)  
841 Bishop Street, Suite 909  
Honolulu, Hawaii 96813  
Telephone No.: (808) 523-5050  
Fax No.: (808) 538-1382  
Email: shlaw@hawaii.rr.com

Attorney for Plaintiff

**IN THE DISTRICT COURT OF THE FIRST CIRCUIT  
HONOLULU DIVISION  
STATE OF HAWAII**

Milton K. KAOPUA,	)	Civil No. 1SS01-1394
	)	
Plaintiff,	)	DECLARATION OF MILTON K. KAOPUA;
v.	)	ATTACHMENTS
	)	
Robert F. ABAD,	)	
	)	
Defendant.	)	

H:\CLIENTS\Kaopua\Criminal Hearing Matters\11-21-03 Declaration of KAOPUA for HNL Dist Court.wpd

**DECLARATION OF MILTON K. KAOPUA**

I, MILTON K. KAOPUA, do hereby declare:

1. On August 15, 2002 Robert Abad again harassed me, and this time also my wife, in the parking lot of Tamura's Supermarket in Waianae, near where we both live. This was the second time. The first time was in October 2001 when he threatened my life. I filed a police complaint for this August 15, 2002 violation of this Court's December 13, 2001, Order Granting Petition for Injunction Against Harassment in Civil No. 1SS01-1394, which is still in effect. See attached.

2. I was notified by the Honolulu Prosecutor that my August 15, 2002 case had been accepted and we were scheduled to go to court. After several continuances the matter finally came on for hearing in the Waianae Division on March 28, 2003. I was not represented by counsel. As I understand it, Defendant Abad acknowledged his actions from August 15, 2002 against me and my wife and was allowed to plead "no contest." The Judge ordered him not to commit another violation within 6 months, as he was now on probation. Mr. Abad was again ordered to stay away from me at work, just as he was during the prior court appearances. See attached.

3. It is my belief and understanding that Defendant Abad was also directed by our employer, Federal Fire Department Assistant Fire Chief, Glenn T. DeLaura to stay away from me

and my Fire Station. See attached. Mr. Abad was told not to go there and to not even call my station house.

4. Nonetheless on May 29, 2003 Defendant Abad entered my Fire Station at Lualualei while I was on duty there. I told this violation to Base Security, to my Area Chief, and to the Honolulu Police Department in Report No. 03-208-459. See attached.

5. On June 27, 2003 I was advised that the May 29, 2003 matter was under consideration by the Honolulu Department of the Prosecuting Attorney. On September 27, 2003, I was informed in writing by Deputy Prosecuting Attorney Laura Ackermann that this May 29, 2003 matter "has been accepted for prosecution. The charge of Contempt of Court will be filed against Robert Abad." To my knowledge no penal summons has been served to date. The matter is still "pending." See attached.

6. In sworn testimony to a Federal investigator on July 15, 2003 Federal Fire Chief Michael Jones stated with respect to the May 29, 2003 incident, "I just heard about this and we will be taking disciplinary action."

7. The next day, July 16, 2003, Assistant Chief Glenn DeLaura also testified to the same Federal investigator "... I was told he (Kaopua) wanted some assurance that he and Abad would never meet up while they were on duty. I told Hazel [Hazel Wong, Fire Department Labor Advisor from Navy HRO] that I could agree to this. I had a meeting with both Captains (separately)... I also told them that they were not to go to each other's stations - on or off duty. I then met with all the other Captains (because I have off days, when someone acts for me) and told them that at no time were Kaopua and Abad to be in the same place at the same time. ... I've investigated this [May 29, 2003] matter and I've proposed disciplinary action against Captain Abad for failing to follow instructions."

8. I believe Mr. Abad's May 29, 2003 action violates the December 13, 2001 injunction, violates the terms of his March 28, 2003 six month's probation imposed by this Court, and violates the direct orders from his Federal Fire Department Assistant Chief Glenn DeLaura.

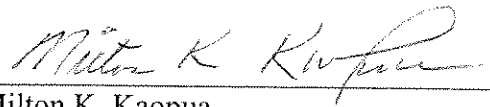
9. I remain afraid of Robert Abad who threatened to kill me. I know he has possessed a firearm, because he turned one into HPD the last time. Does he have others? After the first incident, the rear window of my vehicle was shot out while in my home parking space. I do not know who did it.

10. As a result of Mr. Abad's first threat against my life, the U.S. Department of Labor has ordered the Fire Department to pay my medical expenses and to pay my lost wages during the several months I was off work and under medical care. I then returned to work, expecting to be kept separate from Mr. Abad. As a result of these more recent and subsequent actions by Mr. Abad against me, I remain under psychiatric and psychological medical care which is also being paid for by the Federal Fire Department. I am still afraid of him and what he might do.

11. Because Mr. Abad continues to harass me both at work and away from work, I asked that the original Order in Civil No. 1SS01-1394 which is effective for 2 years terminating on December 13, 2003, unless modified by appropriate order of this Court, be extended for another 3 years, through December 13, 2006.

I declare under penalty of perjury under the laws of the United States of America and of the State of Hawaii that facts and circumstances stated in the foregoing are true and correct.

Executed on November 21, 2003, at Honolulu, Hawaii.

  
Milton K. Kaopua  
Plaintiff



## DECLARATION OF PETITIONER(S)

Petitioner states the following is true:

- ☒ Recent or past act(s) of harassment occurred; and/or  
☒ Threats of harassment make it probable that acts of harassment may occur soon.

Respondent(s) ☐ own; ☐ possess; or ☒ intend to obtain or possess

☒ firearm(s) and/or ammunition that may be used to threaten or injure Petitioner(s).

Describe the firearm(s)/ammunition: Based on his verbal threat to shoot me, I

Location of firearm(s)/ammunition: believe he has a gun.

Date last seen: \_\_\_\_\_

Street address/ specific location where last seen: \_\_\_\_\_

(Explain in detail recent or past acts or threats of harassment, using additional sheets, if necessary.)

On 10-13-01 Security Police Officer Colin Hallberg informed me that Capt. Robert Abad made a verbal threat on my life. At that time I was not told what kind of threat it was. He also informed me the threat was made on 10-10-01 at about 1645 hrs.

On 10-23-01 at 1530hrs. I walked up to the Federal Police Station and spoke with Officer Hallberg. I asked him what kind of threat it was. Officer Hallberg informed me that Capt. Abad made a verbal threat that he was going to shoot Kaopua because that is what its coming to. At this point I am afraid for my life and I don't know what he is capable of doing. I also filed a police Report - Report No. 01-416154 and Federal Incident Report - Incident No. 016281303509

☒ Unless Respondent(s)' wrongful conduct is stopped or prevented by order of the Court, Petitioner(s) will suffer emotional distress.

I have read the Petition and Declaration, know their contents, and verify that the statements contained therein are true to my personal knowledge and belief.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF HAWAII THAT THE FACTS AND CIRCUMSTANCES STATED IN THE PETITION AND DECLARATION ARE TRUE AND CORRECT.

Signature of Petitioner(s): Milton K. Kaopua

Date: 10-26-01

Print/Type Name(s): Milton K. Kaopua

## SECTION VII. SUSPECT/ARRESTEE (Cont.)

ARRESTEE ONLY	TYPE OF ARREST	MIPLE CLEARANCE	ARRESTEE WAS ARMED (TH (X up to Two))		DISPOSITION OF JUVENILE
	On View	<input type="checkbox"/> Multiple	Unarmed	<input type="checkbox"/> Lethal Cutting Instrument	
	Summons/Cited	<input type="checkbox"/> Court Arrestee	Handgun	<input type="checkbox"/> Club/Blackjack/Brass Knuckles	
	Taken Into Custody	<input type="checkbox"/> Not Applicable	Rifle	<input type="checkbox"/> Other (specify)	
DATE ARRESTED:			Shotgun		Handled Within Department
					<input type="checkbox"/> Referred to Other Authority

## SECTION VIII. ADDITIONAL POLICE OFFICERS (Use Narrative Section, for additional Police Officers) (Other than Reporting Official)

1. LAST	FIRST	MI	2. LAST	FIRST	MI
GRADE/RANK	DUTY STATION/EMPLOYER	BADGE #	GRADE/RANK	DUTY STATION/EMPLOYER	BADGE #

## SECTION IX. NARRATIVE (WHO, WHAT, WHEN, WHERE, WHY, HOW) (Use "Narrative" Addendum sheet if more space is required.)

## SYNOPSIS:

On 10-10-01 at 1645 Federal Fire Capt. ABAD Robert threatened to shoot Federal Fire Capt. KAOPUA Milton over a property dispute.

## ASSIGNMENT/ARRIVAL:

On 10-10-01 at 1640 I was dispatched to the Federal Fire station #111, Lualualei, to investigate a damage to personal property complaint. I arrived at 1643 and assumed the case.

STATEMENT OF CAPT. ABAD Robert: On my arrival Capt. ABAD said he wanted to file a breaking and entering complaint. He said he had placed a padlock and hasp on his personal ice machine located in the Fire Dept. and someone had cut the lock and bent the hasp. Investigation found that the ice machine was not personal property but was still Government property that had been given to the Fire Dept. to use and was to be used by all authorized government employees and therefore should not have been locked in the first place. Capt. ABAD then accused Fire Capt. KAOPUA Milton of cutting the lock. When asked if he had seen Capt. KAOPUA cut the lock he said no but he was sure it was him. I told him I could take a complaint of the cutting of the lock as that was his personal property. Capt. ABAD then told me he was tired of Capt. KAOPUA that KAOPUA thinks he owns this place. Capt. ABAD then said "I guess I'll just have to shoot him" I told him that was not a smart thing to say to a

## ENCLOSURE(S) (List additional "Enclosures" in the Narrative Section)

ENCL #

DESCRIPTION (List all Attached Supporting Documents i.e., Statements, Photographs, Sketches, etc.)

## SECTION X. REPORTING/APPROVING OFFICIALS

REPORTING OFFICIAL (NAME, RANK, TITLE & SIGNATURE)	DATE	APPROVING OFFICIAL (NAME, RANK, TITLE & SIGNATURE)	DATE
GS06 COLIN A. HANLEBERG, POLICE OFFICER	2001/10/24	GS-09 ROBERT J. OKUMURA, WATCH COMMANDER	2001/10/24

## SECTION XI. ADMINISTRATIVE DISPOSITION (ADMIN USE ONLY)

VICTIM/WITNESS NOTIFICATION: (DO Form 2701 provided)		INCIDENT STATUS:		CLEARED EXCEPTIONALLY:		DATE CLEARED:	
<input type="checkbox"/> VICTIMS NOTIFIED	<input type="checkbox"/> WITNESSES NOTIFIED	<input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> CLEARED BY APPREHENSION	<input type="checkbox"/> DEATH OF OFFENDER	<input type="checkbox"/> PROSECUTION DECLINED	<input type="checkbox"/> REFUSED TO COOPERATE	<input type="checkbox"/> JUVENILE NO CUSTODY
		<input type="checkbox"/> CLEARED EXCEPTIONALLY		<input type="checkbox"/> EXTRADITION DECLINED		<input type="checkbox"/> NOT APPLICABLE	
REFERRED TO/ASSUMED BY:		DISTRIBUTION					
NCIS Case #:		<input type="checkbox"/> COMMANDING OFFICER		<input type="checkbox"/> MEDICAL/MENTAL HEALTH			
INVESTIGATIONS Case #:		<input type="checkbox"/> LEGAL OFFICER/SJA		<input type="checkbox"/> DRUG & ALCOHOL (DAPA)			
LOCAL POLICE Case #:		<input type="checkbox"/> FAMILY ADVOCACY		<input type="checkbox"/> OTHER			
OTHER (Specify):		<input type="checkbox"/> EQUAL OPPORTUNITY					

OPNAV 5527/1 JUN98

PREVIOUS EDITION IS OBSOLETE

FOR OFFICIAL USE ONLY (When filled in)

PAGE 4 OF 5 PAGES

S/N 0107-LF-114-9500



INCIDENT REPORT ADDENDUM  
NARRATIVE SECTION

INCIDENT NUMBER

016281303509

REPORT TYPE:

☒ INITIAL☐ SUPPLEMENTAL

This form is used with OPNAV 5527/1, "Incident Report" to record additional Narrative information.

police officer. Capt. ABAD then said. "That's what it is coming to". I said that I would have to make a note of this conversation. At approximately 1830 Capt. ABAD called security to cancel his complaint.

## OFFICER ACTIONS:

Due to scheduling I was not able to contact Capt. KAOPUA until 10-13-01. I advised Capt. KAOPUA of the conversation I had with Capt. ABAD. Capt. KAOPUA said he was going to contact District Chief DELORA and discuss the situation with him. Capt. KAOPUA contacted Dist. Chief DELORA on 10-17-01 and told him what had been said and if he needed further information to contact Lualualei Security. On 10-24-01 I was contacted by Capt. KAOPUA, he said he had not received any further contact from Chief DELORA and now wanted to file a formal complaint. On 10-24-01 at 1545 I contacted Agent SPENCER, NCIS, and relayed the above events. Agent SPENCER advised that NCIS would assume the case.

## NOTIFICATION:

CDO TMC MENCINAS via UT1 LEIDNER at 1225.  
MAJOR ROBERTS notified 1215

## DISPOSITION:

Accepted by NCIS.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA	)	CR. NO. CR 02-00309
	)	
Plaintiff,	)	[H.R.S. § 707-717]
	)	
vs.	)	
	)	Non-Jury Trial
ROBERT F. ABAD,	)	October 16, 2002 at 9:00 a.m.
	)	Judge Kevin S.C. Chang
Defendant.	)	
	)	

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**Transcript of Judge's Ruling**

Judge Chang: In this case Defendant Robert Abad is charged in Information filed on July 15, 2002 with the offense of Terroristic Threatening in the Second Degree in violation of Hawaii Revised Statute §707-17 and Title 18 United States Code, Section 13. After considering all of the evidence and weighing the credibility of the witnesses, the Court finds that the United States has failed to establish the essential elements of the offense charged beyond a reasonable doubt. Specifically the United States has failed to prove beyond a reasonable doubt that on October 10, 2001 at Naval Magazine Lualualei, in the District of Hawaii, the Defendant threatened by word or conduct, to cause bodily injury to Milton Kaopua with the intent to terrorize or in reckless disregard of the risk of terrorizing Milton Kaopua. The Defendant said "I think I'm just going to have to shoot him" referring to Milton Kaopua. The statement or threat was directed at Kaopua. However the circumstances surrounding the threat, were not so unambiguous, unconditional, immediate and specific as to convey a gravity of purpose

and imminent prospect of execution. In fact Officer Hallberg testified that he waited 3 days to advise Kaopua of an unspecified threat. Details of the threat were not revealed to Kaopua until October 23. Considering the totality of these circumstances, the Defendant's statement or threat was not a true threat within the definition referred to in State v. Chung, 75 Haw 398, 862 P2d, 1063, a 1993 case. It does appear to the Court that the statement was made out of frustration or transitory anger arising out of damage to a lock or access to an ice maker. It also appears to the Court, Mr. Abad, that the threat or the statement was a violation of the work place violence policy which is set out in Government's Exhibit 1. It was frankly a stupid and irresponsible statement to make. But as stated previously the government has failed to sustain its burden of proof in this case. And therefore, based on the foregoing the Court finds and adjudges the Defendant Robert Abad not guilty of the offense charged in the information filed on July 15, 2002. All right.

Attorney for Abad: Thank you your Honor.

Judge: We'll be in recess.

## HONOLULU POLICE DEPARTMENT STATEMENT FORM Report No. 02-318-025

Statement of: <u>MILTON K. KAOPUA</u>		Classification: <u>ORDER VIOLATION</u>
Address: <u>8470 KILI DR. #1313</u>		Date of Occurrence: <u>8-15-02</u>
Age: <u>55</u>	Date of Birth: <u>4-24-47</u>	SSN: <u>575-50-0532</u> Occupation: <u>CAPTAIN / FED FIRE FIGHTER</u>
Res. Ph.: <u>695-5199</u>	Bus. Ph.: <u>668-3420</u>	Employer: <u>FED. FIRE DEPT.</u>
Location of Interview:		

Please give a detailed statement answering all of the following questions:

- |                                      |   |  |
|--------------------------------------|---|--|
| 1. What DATE and TIME did it happen? | 5. WHAT happened?                           | 9. DID YOU IDENTIFY any suspects? Explain. |
| 2. WHERE did it happen?              | 6. HOW did it happen?                       | 10. DID YOU IDENTIFY any weapons? Explain. |
| 3. WHO was involved?                 | 7. WHY did it happen (prior events/causes)? | 11. ... any property? Explain.             |
| 4. What WITNESSES do you know of?    | 8. ANY OTHER relevant information?          | 12. ... any vehicles? Explain.             |

The undersigned freely and voluntarily provides the following statement:

On Thursday 8-15-02 at approximately 7:10 pm. I Susanna Kaopua and my husband Milton Kaopua entered Tamuras Super parking lot. As we were ~~looking for a~~ looking for a parking stall we started to turn into an empty stall which Robert Abad and his wife just started walking through at the same time. Robert Abad's wife was walking on my husband's side of the car which was the drivers side Robert Abad was walking on my side of the car which was the passenger side. As he walked towards our car he just stared at both my husband and I and started giving us the stinkiest look ~~that~~ ~~he~~ which put a lot of ~~big~~ fear in me because I know

I have read this statement prepared by Susanna Kaopua which consists of this typed/handwritten page and 2 continuation page(s), and have been given the opportunity to make corrections thereon. I attest that this statement is true and correct to the best of my knowledge, and that I gave this statement freely and voluntarily without coercion or promise of reward.

<u>Milton K. Kaopua</u>		<u>[Signature]</u>	
Signature		Investigator's Signature	
Date: <u>8-15-02</u>	Time: <u>2:20</u>	Date: <u>8-15-02</u>	Time: <u>2:20</u>

## STATEMENT FORM CONTINUATION PAGE

Page 2 of 2 pages

Statement of: MILTON K. KADPDA

Rpt. No.: 02- 318- 025

that he wants to kill my husband. When he approached the side of my car, he was ~~was~~ still giving my husband and I the stink look and said "ASS HOLES!" his wife at the time was in the back of our car on the opposite side where she couldn't hear what he had said because he said it ~~so~~ loud enough only for my husband and I to hear it. At that point I called 911 from my cell phone and requested to have a police officer there. The police operator asked me what was the emergency I told her what happened and that my husband has a Restraining Order on Robert Abad and that he had just "violated" the Restraining Order she told me that she will be sending a police officer to Tamara's Super and he will meet us in the parking lot. About 10 minutes after that Robert Abad and his wife came out of the store staring at us again giving us the stink eye, jumped into ~~their~~ car and started exiting the parking lot as they passed our car I looked at the back of the car and saw Lic. # FTE 650.

Milton K. Kadpda

Signature

Date: 8-15-12

Time: 2120

[Signature]

Investigator's Signature

Date: 8-15-12

Time: 2120

ICR # 030281301991

DEPARTMENT OF THE NAVY  
VOLUNTARY STATEMENT

1. PLACE

BLDG. #2 POLICE/SECURITY STATION, LUALUALE

2. DATE

29 MAY 03

I, MILTON K. KAOPUA, make the following  
free and voluntary statement to LT MANAADDIC,  
whom I know to be POLICE LT.

I make this statement of my own free will and without any threats or promises extended to me. I fully understand that this statement is given concerning my knowledge of CAPTAIN ROBERT ABAD VIOLATING TRO CIVIL NO. TSS01-01394 FORBIDING CAPTAIN ROBERT ABAD FROM BEING IN THE WORK PLACE OF ME.

ON MAY 29, 2003 AT APPROX. 0815 CAPTAIN ROBERT ABAD ENTERED FIRE STATION-11- LUALUALE AND STARTED TAKING ICE FROM THE ICE MACHINE. WHILE I WAS STILL IN THE FIRE STATION. I MADE NO CONTACT WITH CAPTAIN ABAD. I THEN WENT TO SECURITY TO REPORT THE SITUATION. I THEN CONTACTED AREA CHIEF MICHAEL YUEN. AND BRIEFED HIM OF THE SITUATION. HE THEN TOLD ME HE WILL INFORM AREA CHIEF GLEN DELAUNA. WHO IS ABAD SUPERVISOR. OF THE SITUATION.

END OF STATEMENT

*Milton K. Kaopua*  
MAY 29, 2003  
0930 HRS.



## HONOLULU POLICE DEPARTMENT STATEMENT FORM

Report No. 03-208-45

Statement of: <u>MILTON K. KAOPUA</u>		Classification:
Address: <u>84-710 KILI DRIVE APT 1313</u>		Date of Occurrence: <u>5/23/03</u>
Age: <u>56</u>	Date of Birth: <u>4/24/47</u>	SSN: <u>575-50-0532</u> Occupation: <u>FIRE CAPTAIN</u>
Res. Ph.: <u>6955199</u>	Bus. Ph.: <u>6683420</u>	Employer: <u>FEDERAL FIRE DEPARTMENT</u>
Location of Interview: <u>WAIANA POLICE STATION</u>		

Please give a detailed statement answering all of the following questions:

- |                                      |   |  |
|--------------------------------------|---|--|
| 1. What DATE and TIME did it happen? | 5. WHAT happened?                           | 9. DID YOU IDENTIFY any suspects? Expl |
| 2. WHERE did it happen?              | 6. HOW did it happen?                       | 10. DID YOU IDENTIFY any weapons? Expl |
| 3. WHO was involved?                 | 7. WHY did it happen (prior events/causes)? | 11. ... any property? Expl             |
| 4. What WITNESSES do you know of?    | 8. ANY OTHER relevant information?          | 12. ... any vehicles? Expl             |

The undersigned freely and voluntarily provides the following statement:

ON MAY 29, 2003 AT APPROX 0815 AT FIRE STATION 11- LUALABA LOT CAPTAIN ROBERT ABOO VIOLATED TRO CIVIL NO ISS01-01394 FORBIDDING CAPTAIN ABOO FROM BEING IN THE WORK PLACE OF ME.

ON MAY 29, 2003 AT APPROX 0815 CAPTAIN ROBERT ABOO ENTERED FIRE STATION-11 LUALABA AND STARTED TAKING ICE FROM THE ICE MACHINE WHILE I WAS STILL IN THE FIRE STATION. I MADE NO CONTACT WITH CAPTAIN ABOO. I THEN WENT TO LUALABA LOT POLICE STATION TO REPORT THE SITUATION I THEN CONTACTED AREA CHIEF MICHAEL YOUNG AND BRIEFED HIM OF THE SITUATION. HE THEN TOLD ME HE WILL INFORM AREA CHIEF GLEN DELAUNA WHO IS CAPTAIN ABOO SUPERVISOR OF THE SITUATION.

AT 0900 MAY 29, 2003 FIRE CAPTAIN R. ABOO CALLED LUALABA POLICE STATION AND TALKED TO LTN MANANAO IN MY PRESENCE HE TOLD LTN MANANAO THAT HE WAS ONLY TAKING ICE AND CAPTAIN KAOPUA WASNT SUPPOSE TO BE THERE LTN MANANAO INFORMED CAPTAIN ABOO HE VIOLATED THE TRO BY BEING THERE WHEN FIRE CAPTAIN KAOPUA WAS IN THE FIRE STATION.

I have read this statement prepared by MY SELF which consists of this typed/handwritten page and continuation page(s), and have been given the opportunity to make corrections thereon. I attest that this statement is true and correct to the best of my knowledge, and that I gave this statement freely and voluntarily without coercion or promise of reward.

Milton K. Kaopua  
Signature

Investigator's Signature

Date: 5/29/03Time: 01015

Date: \_\_\_\_\_

Time: \_\_\_\_\_

MAY-14-2003 WED 11:20 AM PROSECUTING ATTY MISD

FAX NO. 808 527 6471

P. 03/03

Page: 1 Document Name: untitled

JDXM03M1

SELECT OPTION: \_\_\_\_\_

===== 1P5020000898

\*\*\* DISTRICT COURT SYSTEM \*\*\*  
- APPEARANCE INQUIRY -

ABAD, ROBERT FRANCIS  
CAL REF NO: CTRL JUDGE ID: JPRESSER  
LOC: 1D05 FLR: 1 ROOM: CAL TYPE: CR DATE: 03-28-2003 PH: PRTY: 1  
APP MINUTES: DEFT/ATTORNEY BERNIE BERVAR PRES; PLEADED NO  
CONTEST; DANC 6 MOS CND: 1) SGF\$100; 2) CICF\$25;  
3) REMAIN ARR/CONV FREE; REF TO D.C., PROBATION;  
SGF & CICF PAID TODAY; CONT FOR PROOF. NNRIC NOTED

USER: S53 DATE: 04-02-2003 TIME: 0321P  
(B) BASIC, (C) COUNT, (D) DOC, (L) PTY REL, (P) PTY, (R) RELATED, (S) SENT

Date: 5/13/2003 Time: 02:15:48 PM

Page: 1 Document Name: untitled

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SELECT OPTION: \_\_\_\_\_

SCROLL CAL DATE: \_\_\_\_\_

1P5020000898

\*\*\* DISTRICT COURT SYSTEM \*\*\*

- APPEARANCE SUMMARY -

PLEASE SELECT (X) APPEARANCE(S) OR LEAVE BLANK FOR ALL

ABAD, ROBERT FRANCIS

CAL DATE	PH	LOC/ROOM	TYPE	APP TYPE/DESC	DISPO
10-22-2002		1D05 01	AP	AP ARRAIGNMENT AND PLEA	CON
10-25-2002		1D05 01	AP	AP ARRAIGNMENT AND PLEA	HC
12-06-2002		1D05 01	CR	TRL TRIAL	HC
12-30-2002		1D05 01	CR	APT ARRAIGNMENT, PLEA AND TRIAL	HC
01-24-2003		1D05 01	CR	TRL TRIAL	HC
03-28-2003		1D05 01	CR	TRL TRIAL	HC
09-12-2003		1D05 01	AP	POC PROOF OF COMPLIANCE	

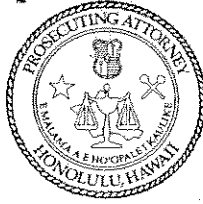
(B) BASIC, (C) COUNT, (D) DOC, (L) PTY REL, (P) PTY, (R) RELATED, (S) SENT

Date: 5/13/2003 Time: 02:15:09 PM

DEPARTMENT OF THE PROSECUTING ATTORNEY  
CITY AND COUNTY OF HONOLULU

ALI'I PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
TELEPHONE: (808) 527-6494 • FAX: (808) 527-6831 • INTERNET: www.co.honolulu.hi.us

PETER B. CARLISLE  
PROSECUTING ATTORNEY



IWALANI D. WHITE  
FIRST DEPUTY PROSECUTING ATTORNEY

VICTIM WITNESS KOKUA SERVICES  
PH: 523-4158

September 23, 2003

Milton Kaopua  
84-710 Kili Drive #1313  
Waianae, Hawaii 96792

RE: HPD Report Number: 03-208459  
Date of Incident: May 29, 2003

Dear Mr. Kaopua:

This is to inform you that the complaint you filed on May 29, 2003, has been accepted for prosecution. The charge of Contempt of Court will be filed against Robert Abad.

Please be advised that once the complaint has been filed in Court, this office will not allow you to withdraw the complaint. Our office also expects your full cooperation with the prosecutor in any matters pertaining to the case and your appearance at all court proceedings.

Todd Yamamoto will have your complaint for the next fourteen (14) days before it is filed in court. Please call 523-4511 within the next fourteen (14) days if you wish to pursue your complaint. If we do not hear from you, we will assume you are no longer interested in pursuing your complaint and will close your case.

Sincerely,

Laura Ackermann  
Deputy Prosecuting Attorney

LA:TKY:csc